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***EX PARTE MEMORANDUM***

July 7, 2003

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 – 12<sup>th</sup> Street, S.W., Room TW-A325  
Washington, DC 20554

Re: Promotion of Spectrum Efficient Technologies on  
Certain Part 90 Frequencies, WT Docket No. 99-87

Dear Ms. Dortch:

On July 3, 2003, the undersigned met on behalf of American Association of Paging Carriers (AAPC) with Messrs. Scot Stone, Roger Noel, Michael Ferrante and Dwain Livingston of the Wireless Telecommunications Bureau to discuss the impact on CMRS paging carriers of the Second Report and Order and Second Further Notice of Proposed Rule Making (SR&O) in the above-referenced proceeding, FCC 03-34, released February 25, 2003. The consensus of the meeting was that the rules adopted in the SR&O apply to CMRS paging frequencies licensed under Part 90 of the Commission's rules, and that the rules so adopted have the purpose and effect of eliminating the exemption from narrowbanding requirements previously adopted in the so-called "Refarming" proceeding, PR Docket No. 92-235, for paging frequencies. Further, the consensus of the meeting was that existing CMRS paging systems operating in the most popular formats (FLEX and POCSAG) do not comply with the technical standards applicable to the 12.5 kHz channels mandated by the SR&O, due to the effective bandwidth occupancy which results from transmissions with approximately 4800 kHz deviation.

As a result, it was acknowledged that unless the SR&O is modified on reconsideration, CMRS paging carriers must comply with the schedule for 12.5 kHz operation mandated by the SR&O. Additionally, it was acknowledged that 12.5 kHz equipment cannot practicably be phased in with existing 25 kHz paging systems and receivers. Instead, when the CMRS carriers are required to convert to 12.5 kHz operation, they must as a practical matter "flash cut" all transmitters and pagers to 12.5 kHz at the same time. The undersigned expressed the view that the Part 90 CMRS frequencies affected by the SR&O are heavily utilized by significant number of the local and regional paging carriers whose relative market share in the industry has been increasing over time. The undersigned further expressed the view that the Commission should not be imposing such an onerous and unproductive financial burden on an industry that the Commission's own reports to

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Congress show as a whole to have been struggling financially for the past few years, and that continues to do so.

Staff expressed the opinion that if AAPC seeks reconsideration of the SR&O, it should address carefully the extent to which the underlying objective of the proceeding, promoting spectrum efficiency, is or is not relevant to the paging industry.

Respectfully submitted,

s/ Kenneth E. Hardman

Kenneth E. Hardman

*Attorney for American Association of  
Paging Carriers*